

1st March, 1800,

Read the first and second time, and ordered to be committed to a Committee of the whole House on Thursday next.

A BILL

For the Government of the Marine Corps while on shore.

1 SEC. 1. **B**E it enacted by the Senate and House of Representatives of
2 the United States of America, in Congress Assembled, That the fol-
3 lowing rules and regulations be adopted and observed for the govern-
4 ment of the Marine Corps while on shore.

1 I. If any marine officer, or private, in the service of the
2 United States, shall, while on shore, excite, or join in any mutiny or
3 sedition, or shall not use his utmost endeavours to suppress the same,
4 or coming to the knowledge of a mutiny, or intended mutiny, shall
5 neglect to give the most speedy intelligence thereof to his commanding
6 officer, or shall desert from the service of the United States, or, being
7 already enlisted as a marine, shall enlist himself in any other company or
8 capacity in the service of the United States, either in the land or sea
9 service, without having first obtained a discharge in writing from the
10 officer who commanded the company, or other officer competent to
11 grant a discharge, or shall be found sleeping on his post, or shall leave
12 it before relieved, or shall hold treasonable correspondence with any
13 rebel or enemy of the United States, or shall give them any advice or
14 intelligence of any kind whatever, by any ways or means, or shall

15 treat in any manner, or enter into any conditions with such rebel or
 16 enemy without having instructions so to do from the President of the
 17 United States, or the Secretary of the Navy, or his commanding of-
 18 ficer; every such marine officer or private, so offending, while on
 19 on shore, shall on conviction thereof before a general Court Martial,
 20 suffer death, or such other punishment as a Court Martial shall think
 21 proper to inflict: and every such Marine officer or private, who shall
 22 disobey the lawful commands of his superior, or shall strike, or menace
 23 him, while in the execution of his office, shall suffer such punishment
 24 as a Court Martial shall adjudge.

1 II. That general Courts Martial may be convened for the trial
 2 of offences committed as aforesaid, as often as the Secretary of the Na-
 3 vy, or the officer commanding the Marine Corps shall deem necessary;
 4 *Provided*, that no general Court Martial as aforesaid, shall consist of
 5 less than five, or more than thirteen members, and that as many mem-
 6 bers be summoned, so as not to exceed thirteen, as can be convened
 7 without injury to the service.

1 III. That all general Courts Martial as aforesaid, shall be com-
 2 posed of commissioned officers of the marine corps, when a sufficient
 3 number can be conveniently assembled, and that the senior officer shall
 4 preside; but that in case a sufficient number of marine officers cannot be
 5 convened, and the Secretary of the Navy shall deem it necessary, it shall
 6 and may be lawful for him, with the concurrence of the Secretary of
 7 War, to summon on the court, officers of the army, who, while acting
 8 on the Court, shall be deemed as marine officers, and rank accordingly.

1 IV. That in all sentences of general Courts Martial, which ex-
 2 tend to the loss of life, the concurrence of two thirds of the members
 3 present be required, and shall not be carried into execution until they

4 have been approved by the President of the United States. Sentences
 5 which extend to the dismissal of a commissioned officer may be deter-
 6 mined by a majority of the Court, and shall not be carried into execu-
 7 tion until they have been approved by the President of the United States:
 8 all other sentences shall be determined by a majority of the Court, and
 9 be carried into execution by the commanding officer of the marine
 10 corps.

1 V. That every member of such general Courts Martial, shall take
 2 the following oaths in the presence of the Court and the Judge Ad-
 3 vocate, or person officiating as such, who is hereby authorized to ad-
 4 minister the same,

5 “ You shall well and truly try, and determine agreeably to the evi-
 6 “ dence which shall come before the Court in the matter now before
 7 “ you, between the United States, and the prisoner to be tried, *so help*
 8 “ *you God.*”

9 “ I, A. B. do swear, that I will duly administer justice in the case now
 10 “ before me, according to the law for the government of the marine
 11 “ corps while on shore, without partiality, prejudice or affection; and
 12 “ if any doubt shall arise on the said law, according to my own con-
 13 “ science, the best of my understanding, and the custom of war in such
 14 “ cases. And I further swear, that I will not divulge or disclose, by
 15 “ any means whatever, the sentence of the Court until it shall have
 16 “ been approved by the proper authority; neither will I ever divulge
 17 “ or disclose the opinion of any particular member of the court, unless
 18 “ required so to do as a witness in a court of justice in due course of
 19 “ law, *so help me God.*”

20 And as soon as these oaths have been administered to the respective
 21 members, the President of the Court is hereby authorized and required

22 to administer to the Judge Advocate, or person officiating as such, the
23 following oath:

24 " You A. B. do swear, that you will not divulge or disclose by any
25 " means, the vote or opinion of any member of this court, unless re-
26 " quired so to do in a court of justice in due course of law, nor will you
27 " disclose or divulge the sentence of the court until it be approved by
28 " the proper authority, *so help you God.*"

1 VI. That all evidence given to a general Court Martial as a-
2 foresaid, shall be on oath or affirmation, which the President of
3 the Court is hereby authorized to administer, and if any person in
4 the marine service of the United States, shall refuse to give his evi-
5 dence on oath or affirmation, or shall prevaricate in his evidence,
6 or behave with contempt to the court, it shall and may be lawful for the
7 Court to imprison such offender at their discretion; provided the im-
8 prisonment for any such refusal or prevarication shall not exceed three
9 months, nor that for contempt one month; and that every person who
10 shall commit wilful perjury on examination on oath or affirmation be-
11 fore such Court, or who shall corruptly procure or suborn any person
12 to commit such wilful perjury, shall and may be prosecuted by indict-
13 ment on information in any court of justice of the United States, and
14 shall suffer such pains and penalties as are authorized by the laws of the
15 United States for such offences; and in any prosecution for such crimes
16 it shall be sufficient to set forth the offence charged on the defendant,
17 without setting forth the authority under which the Court Martial was
18 held, or the particular matters brought or intended to be brought before
19 the said Court.

1 VII. That no proceedings shall be had before such general Court
2 Martial, except between the hours of 8 o'clock in the morning, and

3 three in the afternoon, unless in cases when the officer ordering the
4 court is of opinion that an immediate example is necessary.

1 VIII. That it shall be the duty of the judge advocate, or person
2 officiating as such to take down in writing all the evidence given be-
3 fore a general court martial, and a minute detail of their proceedings,
4 and transmit the same as soon as opportunity will permit to the
5 secretary of the navy, or officer ordering the court, in which last
6 case it shall be the duty of said officer to lodge them in the office
7 of the secretary of the navy, and the party tried or any person ap-
8 plying in his behalf shall be entitled to a copy thereof, whether the
9 sentence be approved or not.

1 IX. That no marine officer or private, who shall have been ac-
2 quitted or convicted by any general court martial, as aforesaid, shall
3 be liable to be tried a second time by the same, or any other court
4 martial for the same offence, unless the President of the United
5 States, or the officer ordering shall withhold his approbation from
6 the sentence, dissolve the court by his order in writing and order
7 another; and the first decision of the President of the United States, or
8 officer ordering the court, shall be conclusive. *Provided always*, That
9 nothing in this act shall exempt any marine officer or private, while on
10 shore, from being proceeded against by the ordinary course of law.

1 X. That no marine officer or private who shall have been acquit-
2 ted or convicted of any capital crime or offence, by a civil court
3 of justice, shall be liable to be punished by a court martial, other-
4 wise than by cashiering, if an officer. *Provided always and be it*
5 *enacted*, That if any marine officer or private shall be accused
6 of any capital crime, violence or offence, against the person or

7 property of any citizen of the United States, while on shore, which is
8 punishable by the known laws of the land, the commanding officer or
9 officers of every company or party is, and are hereby required to use
10 his and their utmost endeavours to deliver such accused person to the
11 civil magistrate upon demand made by such magistrate, and shall also
12 aid and assist the officers of justice in apprehending such offender, in
13 order to bring him to trial; and if any such commanding officer shall
14 wilfully neglect or refuse, on application made to him for that purpose
15 by a civil officer, to deliver such accused person to the civil authority,
16 or to aid or assist the officers of justice in apprehending such offender;
17 every such officer so offending, and being thereof convicted in any
18 court of law in the county where the fact was committed, by the oath
19 of two creditable witnesses, shall be *ipso facto* cashiered, and forever af-
20 terwards incapacitated to hold any military commission in the service of
21 the United States, provided that in case the person tried shall appeal,
22 the conviction be confirmed by the next superior court to be holden in
23 the district; and if no appeal be made, as aforesaid, the penalties shall
24 be incurred by the first conviction: and it shall be the duty of the
25 clerk of such county and district courts to send an attested copy of any
26 such conviction or confirmation to the secretary of the navy.

1 XI. That all mariners, officers and privates in the service of the
2 United States, shall from the time they are borne as a part of the com-
3 pany of any ship or vessel of war, in the service of the United States,
4 be liable to be governed by the law for the government of the navy
5 of the United States, any thing in this act to the contrary notwith-
6 standing.

1 XII. That any officer in the marine service of the United States,
2 who shall be convicted by a general court martial, as aforesaid, of
3 scandalous and infamous conduct, such as is unbecoming an officer and

4 a gentleman, shall be cashiered; and whenever any such officer shall be
5 cashiered for cowardice, treachery or dishonesty, his sentence, name,
6 and usual place of abode be published in one or more newspapers of the
7 United States; and it shall be deemed infamous for any officer of the
8 United States to associate with him ever afterwards.

1 XIII. Whenever a marine officer is put under arrest, it shall be the
2 duty of the officer or person demanding the arrest to furnish such officer
3 with a copy of the charges to be exhibited against him, and no charges
4 except so furnished shall be urged against him on his trial, unless it
5 appear to the court that they had not come to the knowledge of the
6 person demanding the court at the time of the arrest, or that some evi-
7 dence material to its support, was then absent, whose testimony can
8 now be produced, and then the court shall grant the officer to be
9 tried, reasonable time to prepare his defence against such charge.

1 XIV. That detachment courts martial, consisting of not less than
2 three members, may be convened as often as the commanding officer
3 of the detachment shall find it necessary, for the trial of non-com-
4 missioned officers and privates for offences not capital; and that their
5 proceedings and powers in all cases within the jurisdiction of said courts,
6 be the same as in general courts martial: and that officers of the army
7 may be called in and set as aforesaid.

1 XV. That courts of enquiry may be ordered by the Secretary
2 of the Navy, or the officer commanding the marine corps, to in-
3 vestigate the conduct of any commissioned officer of said corps,
4 provided such cause be demanded by the officer to be tried, and
5 provided that such court of enquiry consist of not more than three
6 members, who shall be commissioned officers of the marine corps
7 or army, summoned as aforesaid, and a Judge Advocate or some per-

son to officiate as such, and such court shall have power to summon
 witnesses, administer oaths, and punish contempt in the same manner as
 a court martial; and all perjury, or subornation of perjury in said
 courts, shall be punished in the same manner as in cases of a court mar-
 tial. But such court shall not give their opinion unless required so to
 do in the order for convening the court; and the party accused shall
 have power to cross examine all the witnesses.

XVI. That the proceedings of a court of enquiry be authentica-
 ted by the signature of the President of the court and Judge Advo-
 cate, or person officiating as such, and shall in all cases not capital,
 or extending to the dismissal of a commissioned officer, be evidence
 before a court martial, provided oral testimony cannot be had.

XVII. The Judge Advocate, or person officiating as such, shall ad-
 minister to the members the following oath. " You will well and truly
 examine and enquire according to evidence " into the matter now
 before you, without favor, affection or prejudice."

After which the President shall administer to the Judge Advocate, or
 person officiating as such, the following.—

" You A. B. do swear, that you will faithfully record the proceedings
 of this court, and the evidence to be given in the case in hearing, so
 " help you God."